monarchy'.[1] Mr Pumphrey says that in the old days 'justice was probably rough and large-scale fighting more prevalent than litigation'.[2] Indeed, feuds appear to have been rampant in the past, and it is not very clear how they were composed. We are told that major disputes were sometimes brought before the king, but he can hardly be said to have tried such cases. If he intervened at all it was to support partially one side to a quarrel. We are told that when a settlement waged 'unjustifiable' war on another or refused persistently to listen to the king he might raise a 'royal levy' from the adjacent settlements and with this force and his own retainers raid the recalcitrants, seizing their cattle and burning their homesteads. He kept some of the cattle for himself and the rest were taken by those who supported his action. The raiding force would generally be strong enough to discourage resistance.[3] Compensation for injury seems, therefore, to have been obtained by self-help, sometimes backed by royal intervention. Without confirmation I am not inclined to accept Father Hofmayr's statement that compensation for homicide was

[1] Howell, *op. cit.* p. 57; P. P. Howell and W. P. G. Thomson, 'The Death of a Reth of the Shilluk and the Installation of his Successor', *S.N. and R.* (1946), p. 8.
[2] *Op. cit.* p. 19. [3] *Ibid.* p. 12.

9:Howell E-S (1937-1950) 1952 FJ23 Shilluk FJ23

tion, from which he may have deducted recognized fees for his services in the same way as the Nuer and Dinka functionaries did, or did he appropriate the cattle to himself as head of the State? Was homicide a crime against society of which the *reth* was the central representative, or was it merely a private delict? These questions are relevant and fundamental to the whole problem of the nature of Shilluk law and the position of the monarchy.

As among other Nilotic people, we are faced with the difficulty of finding out how homicide was composed before the advent of the present Government. Among the Shilluk it would really be necessary to have information dating back to a period before the advent of the Turkish régime in 1867. It is doubtful, of course, whether the Turks ever had sufficient control over the Shilluk to have any direct influence on their laws and legal procedures, but since they attempted to administer the country through the agency of the *reth*, at any rate during some periods of their administration, they doubtless influenced him in this particular connexion. Except for vague references to the existence of homicide, to internecine strife, and the warlike character of the Shilluk, I know of no precise mention of this subject in early literature.

Blood feuds and inter-settlement fighting

Shilluk settlements have certain distinctive characteristics including the restriction of age-set names and the ritual of the age-grade system within the settlement. Although now fast disappearing, and no longer of great significance owing to the repressive policy of the Government, the primary function of the age-grade organization seems to have been military.[1] Hofmayr on this subject says:

> Every man is a soldier and literally always under 'arms'. Every Shilluk who has ceremonially danced, is a warrior as long as he is able to bear arms. They form groups. Every settlement is independent with its own *kuay* (principal singer and president). Different settlements combine and rally forth under the leadership of the eldest *kuay* against their powerful enemies.[2]

The *kuay* or *kuaj*[3] is, within the settlement, the leader of organized hostilities, which have been frequent between Shilluk settlements. His function in this connexion is brought out again and again in official documents and the attitude of the Administration has throughout been hostile. We read, for example, in the records of the Shilluk Chiefs' Council that 'The *reth* is opposed to them all as a subversive influence, but there are evidently some Chiefs who are afraid of them. Young *kuay* who give trouble shall be punished and turned out.'[4] Again, in 1947:

> A *kuay*, or war-lord in Shilluk, is a social institution which has been forbidden for 20 years in Shilluk country, and the law is well known. . . . The *kuay* . . . is essentially a leader of the youth of a section, i.e. the warrior class. It is said that in the old days, when there was little public security and each section had to look after itself, the *kuay* was a useful functionary, and in so far as he co-ordinated the warriors of a section this was doubtless so. Now, any 'class consciousness' on the part of the warriors must have an aggressive tendency as it can

[1] Howell, op. cit., p. 33.
[2] Hofmayr, op. cit.
[3] Cf. the Dinka word *kuay* or 'equal'—though among the Shilluk the term is restricted to the age-set leader, whose duties are primarily military. See also Howell, op. cit., p. 60.
[4] Records of Shilluk Chiefs' Council meeting 1932 (unpublished).

9:Howell E-5 (1917-1950) 1952 FJ23 Shilluk FJ23

have no value in defence.[1] The *kwoy* is the symbol of this aggressive spirit. The *kwoy* himself is frequently an elderly man, and not a 'fire-brand' and his functions are passive. He is appointed, just like any other Chief, and when his people go to war he is carried as a mascot on a bed. He takes no active part and, like most Shilluk institutions of a seditious nature, the *kwoy*, like the *ajwok*, is powerless in himself and depends on public support.

On this occasion Nyigir settlement appointed a *kwoy* and the Chief failed to report the matter to the *reth*, or to the District Commissioner. A few days later Nyigir carried their *kwoy* into Gollwiny, the neighbouring settlement to the north, and behaved in an aggressive manner, singing and carrying their shields. This challenging demonstration was reported in Fashoda settlement next day, though the royal capital was avoided. The *reth* himself, hearing singing of which he had not been notified personally, intervened between Nyigir, lined up on their border and carrying their *kwoy*, and Fashoda who were mobilizing to defend themselves .... An old feud existed between Nyigir and Fashoda. In the time of *reth* Nyidhok (*circa* 1840) Nyigir attacked and burned the Royal Village of Fashoda. In 1917 Nyigir killed a Government policeman and assistance had to be obtained from Malakal and Tewfikia (where the mounted police had recently gone from Kodok). Nyigir is the largest Shilluk section, and has a strong element of intractable *kwareth*, all closely related and descendants of *reth* Awin, who, I know from experience, are hard to control. As far as I can judge this was not a seditious movement gainst the *reth* himself, but a major fight round Fashoda might have led to anything.[2]

I have quoted this incident as it is recorded, not as evidence of subversive action against the person of the *reth*, or any threat to depose him, but because it is clear that the *reth* is concerned, even had he incident been farther removed than his own capital, in maintaining peaceful relations between the settlements. Further, the incident is typical of the hostilities which have so frequently occurred and been sustained for long periods. Referring to *reth* Fadiet's time (1903–17) Hofmayr says:

> There was a great fight between Owaci and Tworo. Banholzer relates: 'A man from Owaci had been bewitched in Tworo and was kept in a village. They asked him how many men had been killed in the last fighting, but he refused to answer. Thereupon he was murdered and his body thrown into the river and anchored by wooden pegs, but the body broke away and floated downstream. The people of Owaci got to hear of it and caused the great fight in which many Tworo people were killed. The survivors fled to the other bank of the river and until now the Tworo people say they are allowed to kill Owaci people as the price of blood.'[3]

This feud, referred to by Hofmayr in 1903, is of particular interest because there are accurate records of its continuance later. For example, between the years 1931 and 1932 there were thirteen incidents of clashes and several of homicide, and during this period twenty-seven men of Tworo and nineteen of Owaci were killed and larger numbers were wounded. The feud was finally settled in 1932 by a peace ceremony performed by the *reth* which will be described later.

These feuds, and in particular the feuds between Owaci and Tworo, have been mentioned because they show a persistence which does not seem characteristic of feuds among the Nuer and the Ingessana, and also because casualties were very numerous.

[1] The meaning of this statement is not clear. If there is aggression there must presumably also be defence.

[2] Thomson, W. F. G., unpublished Government Records.

[3] Hofmayr, *op. cit.*

15: Oyler M-5 (ca. 1918) 1926 FJ23 Shilluk FJ23

class. In the fights the last class to be initiated is placed in the rear, and the other men endeavour to protect them. The older men fear that if these lads, who are still novices, should be wounded they might cry out in their suffering and weaken the hearts of the older fighting men.

When a young man feels that he is old enough to dance, he usually goes to his father or guardian and asks permission. If the father gives his consent, the lad gets the ostrich eggshell beads (rek) and the dancing skin (okwar). He may also get the giraffe tail necklace (win). Then when a dance occurs in some near-by village he adorns himself with all the ornaments that he can get. The skin and the beads must be tied on him with ceremony the first time. The lad selects a man who is popular with the ladies in the mixed dances, and asks him to tie them on him. The man who performs the ceremony takes a string of the ostrich beads and places them about the waist of the lad, as though he expected to tie the rek in place. He then lets it drop almost to the ground, and then brings it again to the waist of the lad. Three times he acts as though he would tie it, and then lets it down again. Then the fourth time he actually ties the string. The skin is tied in the same way. After the skin and beads have been tied once, the young man may tie them for himself on later occasions.

Sometimes the parental permission is not given for the son to dance. The father feels that he is too young to dance. He says, "You are too small and weak, and in a battle you would be killed." Sometimes the son heeds the advice of his father, and waits until he is older and is able to dance with the consent of his father. Other young fellows are more determined, and such a one goes to some man to get him to tie his skin and beads. He usually goes to a man of some other village, because the men of his own village would not care to offend his father. The man usually asks the young man if his father consents, and the son says that he does not. He goes from one to another till he finds a man who will act for him. The ceremony is binding in spite of the father's objections, and the young man cannot be released from his responsibilities. When a boy has danced in defiance to the wishes of his father he does not feel so brave after the period of dancing is over, and he asks someone to go with him to "soften his father." The intercessor kneels before the father with the boy behind him, and he says, "The boy went to a dance. You refused,

18: Howell E-5 (1937) 1941 FJ23 Shilluk FJ23

social and political function, cannot exist in a society where authority is held by virtue of blood. Further it is likely to raise ties and mutual obligations which conflict with those patterns of behaviour which unite the members of a clan. Usually, when the age-set system is highly developed, the clan system is weakened. The reverse may also be true, and since the kinship groups within the Shilluk settlement retain their distinction, the age-set system is of no great social significance. This is particularly so with regard to political matters. The *Jiqa*[1] and the elders of the *Dyil* clan and a limited number of representatives from the less powerful lineages hold political authority in the settlement, and over them is the theoretical omnipotence of the *Reth*.

The group solidarity of the settlement springs from the power and prerogative of the *Dyil* clan and from common interests and territorial proximity. The compulsory association and stratification of all male members of the settlement emphasises that feeling of solidarity, but does not conflict with the political function of the *Dyil* clan, for its purpose is limited to warfare. In inter-lineage disputes within the boundaries of the settlement the organisation does not function, but in warfare on a wider scale when the separate lineages must fight as one, the young men and warriors are mobilised into age-sets.

Every male inhabitant of a settlement, on reaching the age of puberty, is automatically grouped with his comrades and together they are recruited to the most recently formed age-set. Each age-set, known in Shilluk as *Ric*, is made up of a series of sub-divisions which are grouped together temporarily until a new reorganization is made. There are two grades through which the members of an age-set will pass before retiring from active military service. Recruitment is compulsory and never individual.

The general structure of the organization is best explained diagrammatically.

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1. Chief.

18: Howell E-5 (1937) 1941 FJ23 Shilluk FJ23

Leadership in war however, is, dependent upon the collective vote of the age-sets, and this perhaps provides a clue to the origin and former purpose of the settlement; namely the necessity of alliance under the threat of war. The local kinship group, split off from the main branch of the clan is not a sufficiently powerful body to defend itself against attack. So lineages, resident in the same part of the country, join together and possibly link themselves to some numerically superior group. Mutual protection is thus made possible. The strongest lineage of the group later assumes political authority and a chief is chosen from its members, but for the purpose which the alliance was originally made, the warriors range themselves in ranks where kinship counts for nothing. A war-leader is elected and not necessarily from the dominant lineage. This is not, of course, the origin of the age-set system, but it may account for the form it has taken among the Shilluk.[1] Latterly, when large-scale warfare is comparatively rare, the original purpose of the alliance is disappearing and with it the motive for the age-set system. A period of proximity, common political and economic interests, however, have caused the separate lineages to regard themselves united by social ties and patterns of behaviour more lasting than those raised by a temporary alliance. The settlement thus becomes an integral unit of the social body.

1. The larger territorial divisions of the tribe, the *Leak*, which are described in Mr. Pumphrey's article, originated in the same way as the settlements. The inhabitants of each division made a temporary pact when a common enemy arose. It is therefore likely that age-sets in the past covered a larger section of the population than they do to-day when each age-set is confined to the inhabitants of one settlement. The Shilluk are prominent when questioned on the subject and further investigation is necessary before a full account of the age-set system among the Shilluk can be recorded.

19: Howell & Thomson E, G-5 (1943-1944) 1946
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The Funeral Dance of Reth Fashl.
(Second day)

291
411
766
701

2.—A Shilluk regiment enters the village of the late reth.

766
516

4.—Crowds squat down in front of one of the houses of the late reth.

[FACING p. 26]